

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and
CINDY HARP-HORN,

Plaintiffs,

-v-

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants.

15-CV-0701-FPG-MJR

CASE MANAGEMENT ORDER

IT IS **ORDERED** that:

1. All motions to join other parties and to amend the pleadings shall be filed no later than **3/21/2017**.
2. The initial mediation session shall be held no later than **1/30/2017**.
3. All motions to compel shall be filed no later than **5/1/2017**. If a discovery dispute arises, before filing a motion to compel the movant must advise the undersigned of the dispute and request a conference by submitting a letter to the Court (copying opposing counsel). See Rule 16(b)(3)(B)(v). Upon review of the letter, a conference will be scheduled with the parties to attempt to resolve the issue informally. If the dispute is not resolved informally, the parties will be given the opportunity to file a formal motion. This informal discovery dispute resolution process is not expedited motion practice. Therefore, letter submissions should provide a brief overview of the issue with supporting documentation and the parties' positions. Parties do not waive arguments by failing to raise them in their letter submissions.
4. All fact discovery shall be completed no later than **6/1/2017**.
5. The parties shall identify any expert witnesses and produce their reports pursuant to Fed.R.Civ.P. 26(a)(2) as follows:
 - (a) plaintiff shall identify any expert witnesses and produce their report by **9/1/2017**;

(b) defendants shall identify any expert witnesses and produce their reports by **10/2/2017**;

(c) plaintiff shall identify any rebuttal expert witnesses and produce their report by **11/1/2017**; and

(d) defendants shall identify any rebuttal expert witnesses and produce their reports by **12/1/2017**.

6. All expert depositions shall be completed no later than **12/29/2017**.

7. Pretrial dispositive motions, if any, shall be filed no later than **5/1/2018**. Such motions shall be made returnable before the Judge Geraci.

8. If no pretrial dispositive motions are filed, the parties shall contact the chambers of Judge Geraci by **5/8/2018** to schedule a trial date.

9. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until **5/1/2018**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

No extension of the above deadlines will be granted except upon written application, filed prior to the deadline, showing good cause for the extension. The parties are reminded that “a finding of ‘good cause’ depends on the diligence of the moving party”. *Parker v. Columbia Pictures Industries*, 204 F.3d 326, 340 (2d Cir. 2000).

SO ORDERED.

DATED: October 7, 2016
Buffalo, New York

/s/ Michael J. Roemer
MICHAEL J. ROEMER
United States Magistrate Judge